



PUBLIC LANDS LITIGATION FUNDING

EXECUTIVE OFFICES AND CRIMINAL JUSTICE SUBCOMMITTEE & SOCIAL SERVICES SUBCOMMITTEE
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ISSUE BRIEF

Introduction

The Federal Government controls approximately 65% of the Land in the State of Utah. This land is managed through various federal entities including the Bureau of Land Management, United States Forest Service, and National Parks. The federal government also frequently assigns various federal lands designations, such as national monuments, national recreation areas, wilderness study areas, historic trails, etc. While there are many impacts to the state of Utah from these federal designations, an issue that has received much attention from the Legislature is that federal land affects the state budget by limiting the opportunity to collect property and other types of tax revenue. Utah has argued that federal control over lands within the geographical boundaries of the state should be controlled and managed by the state (H.B. 148, "Transfer of Public Lands Act and Related Study" – 2012 General Session). The Legislature has also allocated resources to assist with litigating federal actions that expand federal lands designations. The total costs of public lands litigation efforts is currently unknown. The purpose of this brief is to outline the current available funds that have been set aside for potential litigation.

Litigation Funding Set-Asides

#	Funding	Amount (Millions)
1	EAC General Fund - Set Aside (Dec. 2021)	\$5
2	Public Lands Litigation Restricted Account	\$4.5
3	Legislative Services Operating Budget (General Fund, 1x)	\$ 1
4	Mineral Bonus Account Discretionary Funds	\$3.5
	Total	\$14

Options for Consideration:

1. Make no changes to current appropriations (keep the status quo).
2. Transfer all funds into the Public Lands Litigation Restricted Account, ensuring all appropriations and expenses can be tracked in a central location.
3. Offset the General Fund appropriation in the Attorney General Base Budget (Line 1 in Litigation Funding Set-Asides table) with funds previously designated for this purpose (Lines 2-4).